

EXHIBIT K

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUSA HOXHAJ, ABDOU EL SHBEINY, AND RICARDO
CORDERO,

PLAINTIFFS,

-against-

Case No.:
21-cv-6486 (LJL)

MICHAEL CETTA, INC., MICHAEL CETTA, AND
STEVEN CETTA,

DEFENDANTS.

-----X

DATE: July 28, 2022

TIME: 10:07 A.M.

DEPOSITION of the Defendant,
STEVEN CETTA, taken by the Plaintiffs,
pursuant to a Notice and to the Federal
Rules of Civil Procedure, before Soraye
McMillan, a Notary Public of the State of
New York.

A P P E A R A N C E S:

MICHAEL G. O'NEILL, ESQ.
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Attorneys for the Defendants
77 Water Street, Suite 2100
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BY: ADAM COLLYER, ESQ.

ALSO PRESENT:

RICARDO CORDERO - Co-Plaintiff
ABDOU EL SHBEINY - Co-Plaintiff
MUSA HOXHAJ - Co-Plaintiff
SUSAN EDELSTEIN - Representative of Sparks

* * *

1 S. CETTA

2 Q. You said you were involved in
3 putting him in as manager?

4 A. Yeah.

5 Q. How did that come about?

6 A. Discussing, you know, of the
7 people that we had available out of our
8 wait staff. And Ricardo was -- showed the
9 aptitude -- (audio difficulties) -- it be
10 would a good candidate for being a manager.

11 Q. Who made that decision?

12 A. My father.

13 Q. Do you know who made the
14 decision to make Abdou or Musa manager?

15 A. It would have been my father or
16 my uncle.

17 (Whereupon, a discussion was
18 held off the record.)

19 Q. Who is Sebastian?

20 A. Just a friend of mine that --
21 he's involved in motorcycle business. But
22 he was very high-tech person, more than
23 anybody I've ever known. And he helped us
24 with building websites at the restaurant.
25 Anything that had to do with technical,

1 S. CETTA
2 anything technical, not just computers, but
3 even the plumbing. He was just a jack of
4 all trades. And he helped us with a lot of
5 our computer telemetry and software
6 problems and even software that can be used
7 for the restaurant to run the restaurant.
8 That's who he is.

9 Q. What is Sebastian's last name?

10 A. Thaiwaikolski.

11 Q. Spell it, please.

12 A. I couldn't hear you.

13 Q. Spell it, please.

14 A. T-H-A-I-W-A-I-K-O-L-S-K-I.

15 Q. How did you know

16 Mr. Thaiwaikolski?

17 A. From motorcycle racing.

18 Q. What does that mean, from

19 motorcycle racing?

20 A. That's how I met him.

21 Q. From observing motorcycle
22 races, participating in motorcycle races,
23 something else?

24 A. Well, we all race. If you're
25 talking about me, crashed. But basically

1 S. CETTA

2 A. In Poland.

3 Q. When did you last communicate
4 with him?

5 A. We just recently started. We
6 had a bit of a falling out. It is funny
7 that we just recently started to -- (noise
8 interruption) -- probably about a month
9 ago. Actually, no. His birthday was on
10 July 17th, so it would have been July 17th.

11 Q. How long did he work at the
12 restaurant?

13 MR. COLLYER: Objection to the
14 form. But you can respond.

15 A. I really couldn't tell you.
16 It's too far back to try to narrow it down.

17 Q. Can you give me -- tell me if
18 it was more or less than five years?

19 A. It was longer. It was...

20 Q. More or less than ten years?

21 A. Just give me a second. I'm
22 trying to see if I can...

23 Maybe around 2005 is the last
24 time that I saw him. I think.

25 Q. You think that's when he last

1 S. CETTA

2 worked at the restaurant?

3 A. I believe so. I'm not sure --

4 (noise interruption.) I'm trying to put

5 years together. I can't be positive.

6 Q. How are the waiters at your

7 restaurant paid?

8 A. They're hourly.

9 Q. What is the hourly rate they're
10 paid?

11 A. Shailesh and also Susan may
12 have a better idea. I think it is the
13 normal, 15.

14 Q. Are they all paid the same?

15 A. Yes.

16 Q. Who made -- who decided what
17 they would be paid?

18 A. That's, I think, the law, isn't
19 it?

20 Q. Well, I don't think there is
21 any law that -- the law tells you what the
22 minimum is, but I don't think there is any
23 law that establishes what they get paid as
24 long as you pay them the minimum.

25 So, if you're saying that

1 S. CETTA

2 A. No.

3 Q. But I asked you if they managed
4 the head chef, and you said that they did,
5 and now you are saying that they didn't,
6 correct?

7 A. I was confused. You do this
8 all the time. I like the questions you
9 asked me about the years. I can't get to
10 specifics --

11 (Whereupon, cross-talk by the
12 attorney and witness occurred.)

13 Q. Right. Well, you do the
14 restaurant all the time, that is why I'm
15 asking you these questions. I don't do the
16 restaurant.

17 A. I was confused. I'm sorry.

18 Q. That's fine.

19 Let's talk about scheduling.

20 You said that managers schedule the
21 waiters; is that correct?

22 A. Yes.

23 Q. Did they schedule anybody other
24 than the waiters?

25 A. No.

1 S. CETTA

2 Q. So, that would be a policy,
3 right? They get two weeks of paid
4 vacation?

5 A. Uh-huh.

6 Q. Who decided they get two weeks
7 of paid vacation?

8 A. My father and my uncle.

9 Q. The managers didn't make that
10 decision, correct?

11 A. No.

12 Q. Not correct?

13 A. It is correct, what you said.

14 Q. Don't worry, it happens a lot
15 with these types of questions.

16 If a waiter wants to take more
17 than two weeks off, is that allowed?

18 A. Yes.

19 Q. What is the process for that to
20 happen?

21 A. They would ask for it, and in
22 general, they would get it, unless there
23 was some means that they wouldn't get it.

24 Q. Who would they ask?

25 A. The managers.

1 S. CETTA

2 Q. Are the managers able to give
3 more than two weeks' vacation without
4 talking to the front office?

5 A. Yes.

6 Q. Is there a vacation schedule
7 that's maintained somewhere?

8 A. I believe on the back of each
9 schedule.

10 Q. You mean it's written down
11 who's going to be on vacation that week?

12 A. Yes. And it's also, I
13 believe -- requests are made on the back of
14 the schedule.

15 Q. If a waiter -- let's say we are
16 in June and the waiter wants to take
17 September off; is it something that the
18 manager can consult to see how many waiters
19 have asked for vacations in September?

20 A. I believe they have the
21 schedule in front of them so they know.

22 Q. So, in June there would be some
23 document that talks about September
24 vacations?

25 A. Yeah, it would be probably in